

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-00164-MR

THOMAS HUGHES,)
Plaintiff,)
vs.) ORDER
FNU PROPST,)
Defendant.)

THIS MATTER is before the Court on Plaintiff's "Motion for U.S. Marshal Service of Summons." [Doc. 20].

Pro se Plaintiff Thomas Hughes (“Plaintiff”) is a North Carolina state inmate currently incarcerated at Foothills Correctional Institution (“Foothills”) in Morganton, North Carolina. He filed this action on June 21, 2021, pursuant to 42 U.S.C. § 1983, naming FNU Propst, identified as Correctional Officer at Foothills, as the sole Defendant. [Doc. 1]. Plaintiff has since amended his Complaint twice. [Docs. 4-1, 11, 12]. Plaintiff’s Second Amended Complaint survived initial review in accordance with the Court’s Order. [Doc. 13]. The Court ordered that the Clerk commence the procedure for waiver of service as set forth in Local Civil Rule 4.3 for Defendant Propst. [Id. at 4]. On October 14, 2021, Defendant Propst waived service and his answer is

due December 13, 2021. [Doc. 19].

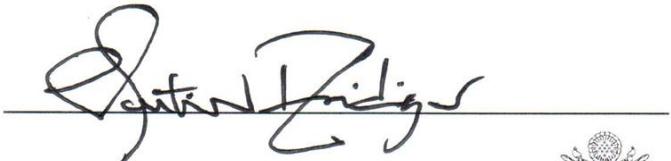
Plaintiff now moves for the Court to order the U.S. Marshal to serve Defendant Propst. [Doc. 20]. The Court will deny Plaintiff's motion as moot because Defendant Propst has already been served.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's motion [Doc. 20] is **DENIED** as moot.

IT IS SO ORDERED.

Signed: October 26, 2021



Martin Reidinger
Chief United States District Judge

